IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2310 OF 2004

Seeta Ramchandra Mahakal.....Petitioner

Versus

State of Maharashtra & Ors.....Respondents

Ms. Nisha Valani i/b. A.K. Prajapati for the Petitioner

Mr. L.T. Satelkar, AGP for Respondents

CORAM : F.I. REBELLO & S.P. KUKDAY,JJ.

DATED : 12th Appril, **2005**

P.C.

. The case of the petitioner is that she is nominee of the deceased who was in the service of the hospital run by the State Insurance Scheme Hospital. E.S.I.S. Authorities have filed an affidavit of one Sumati Mahadeo Chavan. In the said affidavit it is set out that the Government employee expired on 17th October, 2003. He had earlier filed a nomination in favour of one Anita Anil Aparaj in the year 1988 where the name was disclosed as the wife of the deceased.

. The deceased had filed revised nomination forms vide letter dated 11th September, 2003. The same were not accepted by the Respondents for the reasons disclosed in paras. 12 and 13 of the affidavit. In other words the fresh nomination has not been accepted and the earlier nomination continued.

2. Considering the controversy involved and more so as the deceased had earlier disclosed that he had a wife living and as the nominee only holds for the benefits of the person really entitled to in our opinion this would not be a fit case for this Court to exercise its extra ordinary jurisdiction.

3. It will be open to the petitioner to file a suit after joining Smt. Anita Anil Aparaj for whatever relief to which she is entitled to.

. With the above observations, petition stands disposed of.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)